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15  
16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
18

19 **WILLIE D. JOHNSON,**

Petitioner,

20  
21 v.

22 **S. W. ORNOSKI, Warden,**

23  
24 Respondent.

C 98-4043 SI JL

**JOINT STIPULATION REGARDING  
PREHEARING DISCOVERY CUTOFF**

Evidentiary Hearing Date: March 15, 2010

25 Per the Court's request at the July 16, 2009, case management conference in this case,  
26 counsel for petitioner and respondent have met and conferred concerning discovery deadlines in  
27 anticipation of the March 3, 2010, pretrial conference and March 15, 2010 evidentiary hearing in  
28 this matter. Counsel have agreed upon the following deadlines:

1        September 15, 2009: Petitioner will provide to respondent the reports of all expert  
2 witnesses, if existing, and all material, including raw test data and tape or audio recordings of  
3 interviews or tests, that petitioner's expert witnesses have reviewed or upon which such experts  
4 have relied in reaching their respective opinions. The parties have agreed that if the above  
5 material has already been exchanged (e.g., trial counsel's files or the transcript of trial), such  
6 material need only be identified in lieu of providing redundant material.

7        November 15, 2009: Respondent will provide to petitioner the reports of all expert  
8 witnesses, if existing, and all material, including raw test data and tape or audio recordings of  
9 interviews or tests, that respondent's expert witnesses have reviewed or upon which such experts  
10 have relied in reaching their respective opinions. The parties have agreed that if the above  
11 material has already been exchanged (e.g., trial counsel's files or the transcript of trial), such  
12 material need only be identified in lieu of providing redundant material.

13        February 15, 2010: Deadline for depositions of expert and lay witnesses.

14        February 20, 2010: Deadline for the exchange of final evidentiary hearing witness lists and  
15 evidentiary hearing exhibits.

16        The parties note the possibility of an exception to the above September 15 and November  
17 15 deadlines only as they pertain to audio forensic experts. While the parties anticipate  
18 exchanging audio expert information according to the above schedule, the parties have agreed  
19 that informal revision may be necessary should any delay arise in obtaining the original  
20 audiotape, which is to be reviewed by the experts, from the Contra Costa County Superior Court.  
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1 Dated: July 23, 2009

Respectfully submitted,

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6 *Attorneys for Petitioner*

7 /s/ John T. Philipsborn  
8 BY: JOHN T. PHILIPSBORN

9 EDMUND G. BROWN JR.  
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11 RONALD S. MATTHIAS  
12 Senior Assistant Attorney General

13 /s/ Gregory A. Ott  
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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Johnson v. Ornoski, Warden**

No.: **C 98-4043 SI**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 23, 2009, I served the attached **JOINT STIPULATION REGARDING PREHEARING DISCOVERY CUTOFF** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

California Appellate Project  
Federal Court Docketing  
101 Second Street  
Suite 600  
San Francisco, CA 94105

Michael G. Millman  
California Appellate Project  
101 Second St., Suite 600  
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 23, 2009, at San Francisco, California.

\_\_\_\_\_  
D. Desuyo  
Declarant

\_\_\_\_\_  
/s/ D. Desuyo  
Signature